

REMARKS

Claims 1, 3-8, 15-16 and 21-23 are pending in the present application. Claims 2 and 17-20 were previously cancelled, and claims 9-14 are cancelled herein. Claims 1, 15 and 16 have been amended. No new matter has been added by these amendments. Claim 15 has been amended to depend from independent claim 1. As a result, claim 16 also now depends indirectly from claim 1. Accordingly, the Examiner's rejections of claims 9-16 in the Office Action dated December 7, 2006 are now moot and, therefore, are not addressed herein.

Claims 1, 3-8, and 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Neteler (U.S. Patent No. 6,531,197, hereinafter "Neteler"), in view of Duncan. Applicants respectfully traverse these rejections.

To establish a prima facie case of obviousness, three criteria must be met: (1) there must be some suggestion or motivation, in the references themselves or in the knowledge of one of ordinary skill in the art, to modify or combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art references must teach or suggest all the claim limitations. M.P.E.P. § 2143. Applicants submit that each and every element as set forth in claims 1, 3-8 and 21-23 is not taught or suggested, either expressly or inherently, in any valid combination of the cited references. Thus, the cited references do not render obvious the claimed invention.

Claim 1 requires "a first moisture indicating material directly mounted to the side wall." Applicants respectfully submit that the references of record do not teach or suggest this element of claim 1.

In Duncan humidity indicator device 16 is housed within first compartment 11. It is clear from the specification at column 1 and in Figures 2 and 3 that the humidity indicator device 16 is loosely contained within the first compartment 11 and is not directly mounted to the side wall. The Examiner, in the Office Action dated December 7, 2006, at page 6 considered that “mounted” means “joined to.” It is further submitted (without prejudice or admission of the correctness of the Examiner's statement) that the humidity indicator device 16 is loosely contained within the first compartment 11 and is not “joined to” to the side wall.

Neteler does not disclose a moisture indicating material.

The Examiner, at page 7 of the Office Action mailed December 7, 2006, considers that each of the references pertain to bags specialized to contain electronics components, where moisture absorbing and indication have been provided by the bags.

Only Duncan has moisture absorbing and indication provided by the bag. However, as noted above, Duncan clearly does not anticipate claim 1. Moreover the disclosure of Duncan does not readily reconcile with that of Neteler, and it is submitted that a person of ordinary skill in the art would not find it obvious to try combining Duncan with Neteler, let alone the required standard of a reasonable chance of success.

In any event even if such a combination was appropriate (which it is not), the combined references would still not incorporate a moisture indicating material mounted directly to the side wall, as required by the claim. As a result, the claim is allowable.

Claims 1, 3-7, 15, and 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Neteler, in view of Williams et al. (U.S. Patent No. 5,224,373, hereinafter “Williams”). Applicants respectfully traverse these rejections.

Applicants submit that each and every element as set forth in claims 1, 3-7, 15 and 21-23 is not taught or suggested, either expressly or inherently, in any valid combination of the cited reference. Thus, the cited references do not render obvious the claimed invention. Claim 1 requires “at least a portion of the first moisture indicating material within the interior of the bag.” Applicants respectfully submit that the references of record do not teach or suggest the limitations of claim 1.

In Williams, blotter paper 12 is contained within a separate enclosure formed by the inner permeable layer 14 and the outer barrier layer 13. It is clear from the specification at column 5 and Figures 2 and 4 that the blotter paper 12 is not within the interior of the bag as required in claim 1.

Neteler does not disclose a moisture indicating material.

The Examiner, at page 7 of the Office Action mailed December 7, 2006, considers that each of the references pertain to bags specialized to contain electronics components, where moisture absorbing and indication have been provided by the bags. This is not the case for Williams and Neteler. Williams relates to a bag with a moisture indicator, while Neteler relates to a bag with a desiccant. Neither document provides any motivation or hint as to why a person of ordinary skill in the art would seek to try combining Williams with Neteler, let alone the required standard of a reasonable chance of success.

In any event even if such a combination was appropriate (which it is not), the combined references would still not incorporate a portion of the moisture indicating material within the interior of the bag. The Examiner appears to be improperly combining these two documents using hindsight. The claim elements are not taught by the cited references, and, as a result, the claim is allowable.

Claims 3-8, 15, 16 and 21-23 depend from independent claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

February 7, 2007
Date

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